

Effective 5/13/2014

61-2g-205 Duties of board.

- (1)
 - (a) The board shall provide technical assistance to the division relating to real estate appraisal standards and real estate appraiser qualifications.
 - (b) The board has the powers and duties listed in this section.
- (2) The board shall:
 - (a) determine the experience and education requirements appropriate for a person licensed under this chapter;
 - (b) determine the experience and education requirements appropriate for a person certified under this chapter:
 - (i) in compliance with the minimum requirements of Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and
 - (ii) consistent with the intent of this chapter;
 - (c) determine the appraisal related acts that may be performed by:
 - (i) a trainee on the basis of the trainee's education and experience;
 - (ii) clerical staff; and
 - (iii) a person who:
 - (A) does not hold a license or certification; and
 - (B) assists an appraiser licensed or certified under this chapter in providing appraisal services or consultation services;
 - (d) determine the procedures for a trainee to register and to renew a registration with the division; and
 - (e) develop one or more programs to upgrade and improve the experience, education, and examinations as required under this chapter.
- (3) The experience and education requirements determined by the board for a person licensed or certified under this chapter shall meet or exceed the minimum criteria established by the Appraisal Qualification Board.
- (4) The board shall:
 - (a) determine the continuing education requirements appropriate for the renewal of a license, certification, or registration issued under this chapter that meet or exceed the minimum criteria established by the Appraisal Qualification Board;
 - (b) develop one or more programs to upgrade and improve continuing education; and
 - (c) recommend to the division one or more available continuing education courses that meet the requirements of this chapter.
- (5)
 - (a) The board shall consider the proper interpretation or explanation of the Uniform Standards of Professional Appraisal Practice as required by Section 61-2g-403 when:
 - (i) an interpretation or explanation is necessary in the enforcement of this chapter; and
 - (ii) the Appraisal Standards Board of the Appraisal Foundation has not issued an interpretation or explanation.
 - (b) If the conditions of Subsection (5)(a) are met, the board shall recommend to the division the appropriate interpretation or explanation that the division should adopt as a rule under this chapter.
 - (c) The board may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 61-2g-403, and with the concurrence of the division, provide for an exemption from a provision of the Uniform Standards of Professional Appraisal Practice for an activity engaged in on behalf of a governmental entity.

- (6)
- (a) The board shall conduct an administrative hearing, not delegated by the board to an administrative law judge, in connection with a disciplinary proceeding under Section 61-2g-504 concerning:
 - (i) a person required to be licensed, certified, or registered under this chapter; and
 - (ii) the person's failure to comply with this chapter and the Uniform Standards of Professional Appraisal Practice as adopted under Section 61-2g-403.
 - (b) The board, with the concurrence of the division, shall issue in an administrative hearing a decision that contains findings of fact and conclusions of law.
 - (c) When a determination is made that a person required to be licensed, certified, or registered under this chapter has violated this chapter, the division shall implement disciplinary action determined through concurrence of the board and the division.
- (7) A member of the board is immune from a civil action or criminal prosecution for a disciplinary proceeding concerning a person required to be registered, licensed, certified, or approved as an expert under this chapter if the action is taken without malicious intent and in the reasonable belief that the action taken was taken pursuant to the powers and duties vested in a member of the board under this chapter.
- (8)
- (a) The board shall require and pass upon proof necessary to determine the honesty, competency, integrity, truthfulness, and general fitness to command the confidence of the community of an applicant for:
 - (i) original licensure, certification, or registration; and
 - (ii) renewal licensure, certification, or registration.
 - (b) The board may delegate to the division the authority to:
 - (i) review a class or category of applications for an original or renewed license, certification, or registration;
 - (ii) determine whether an applicant meets the qualifications for licensure, certification, or registration;
 - (iii) conduct any necessary hearing on an application for an original or renewed license, certification, or registration; and
 - (iv) approve or deny an application for an original or renewed license, certification, or registration.
 - (c) Except as provided in Subsections (8)(d) and (e), and in accordance with Title 63G, Chapter 4, Administrative Procedures Act, an applicant who is denied licensure, certification, or registration under this chapter may submit a request for agency review to the executive director of the division within 30 days after the day on which the board issues the order denying the applicant's application.
 - (d) If the board delegates to the division the authority to approve or deny an application without the concurrence of the board under Subsection (8)(b), and the division denies an application for licensure, certification, or registration, the applicant may, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, petition the board for a de novo review of the application within 30 days after the day on which the division issues the order denying the applicant's application.
 - (e) If the board denies an applicant's application for licensure, certification, or registration after a de novo review under Subsection (8)(d), the applicant may, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, petition the executive director for review of the board's denial within 30 days after the day on which the board issues the order denying the applicant's application.

Amended by Chapter 350, 2014 General Session